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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,281	02/17/2005	Francesco Muller	P/231-153	7772
2352	7590	11/16/2006		EXAMINER
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			PHAN, THANH S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/525,281	MULLER, FRANCESCO	
	<b>Examiner</b> Thanh S. Phan	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim [US 4,833,661].

Regarding claim 1. Kim discloses an analogue display device [1] for a timepiece, comprising display means arranged to jump relative a dial having a non-sequential pattern of the values to be displayed, characterized in that the values to be displayed on the dial are offset by regular intervals of a certain number of successive position in the non-sequence the values to be displayed [figures 1-5 and ABSTRACT].

Regarding claims 2 and 9. Kim discloses a device, wherein the offset is 5, 7 or 13 successive positions for a dial having 12 indications or sequences [abstract; lines 1-2].

Regarding claim 3. Kim discloses a device wherein the dial displays the time by means of hands [2, 3 and 4].

Regarding claim 6. Kim discloses a device wherein the values to be displayed are selected from the group comprising hours and minutes, dates, names of days, weeks, and phases of the moon [hours and minutes; abstract]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 - 5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Hysel et al. [US 5,323,363].

Regarding claims 4 and 5, Kim discloses the claimed invention except for wherein the display means are discs placed underneath the dial and the dial has cut-cuts to reveal the values displayed on the discs.

Hysek et al. Disclose a timepiece wherein the dial [1] comprises cut-outs [windows 5 and 7] to reveal information displayed on rotational discs [6, 10] place underneath.

Since Kim and Hysek et al. are both from the same field of endeavor, the purpose disclosed by Hysek et al. would have been recognized in the pertinent art of Kim.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Hysek et al. with Kim for the purpose of presenting additional information on a timepiece.

Regarding claims 7 and 8. Kim discloses a timepiece wherein comprising stepping motors [ M1-3] and circuitries [figures 4-5] to control and operate the timepiece. Kim discloses the above operation mechanism except for a control mechanism having a winding wheel secured to an impulse wheel driven by an impulse

spring that propels the impulse wheel in an anti-clockwise direction following the tensioning of the spring by a truncated cannon-pinion secured to the cannon-pinion and completing one rotation per hour and a rack connected to the minute pinion; and a rack connected to the hour wheel the rack being guided by a snail mounted on a return wheel driven by the standard cannon-pinion of the movement, the rack dropping into the cut-away section of the snail after a complete rotation of the snail, and driving the minute pinion and the hour wheel as it drops, thus allowing for a jump from one hour to the next. Kim further teaches that it is known that various changes and modifications can be made to the device without departing from the scope of the invention [which is to illustrate time with random sequences of indications] would have been obvious [column 6, line 3-7].

It is old and well known in the horology art wherein electronic, electromechanical and/or mechanical controlling mechanisms are used for performing the time telling function [see Hysek et al.; figures 6-8].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kim's invention by using a mechanical design [as claimed in claims 7 and 8] as the controlling mechanism for the purpose of having a timepiece without/minimal dependence upon an electrical providing source.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Vaucher [US 5,432,759].

Regarding claim 10, Kim disclose the claimed invention except for wherein the dial having 31 indications (as in the days of the month) instead of 12 (hours), and the offset is 13 successive positions.

Vaucher teaches a timepiece wherein the dial comprising 31 indications for indicating days of the month.

Since Kim and Vaucher are both from the same field of endeavor, the purpose disclosed by Vaucher would have been recognized in the pertinent art of Kim.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the timepiece of Kim to have 31 indications on the dial as taught by Vaucher for the purpose of indicating the days of the month. Since Kim teaches the random-ness of the indications on the dial, one of ordinary skill in the art would have been motivated to have the indications at a desired offset value such as 13.

### ***Response to Arguments***

Applicant's arguments filed 09/07/06 have been fully considered but they are not persuasive. The applicant argues that Kim fails to teach "a dial having a **non-sequential** pattern of values to be displayed, wherein successive values to be displayed on the dial are offset by regular intervals a certain number of successive positions." The examiner disagrees. As acknowledged by the applicant on page 7 of the REMARKS, "Kim discloses a timepiece with random numbered dial wherein successive values are distributed around the dial..." and " referring to Fig. 1 of Kim, numbers 1 and 2 are separated by three (or alternately 9) successive position while numerals 2 and 3 are separated by five (alternately 7) successive positions. Kim clearly teaches as

acknowledges by the applicant, a certain number of successive positions. Applicant further argues the elegant implementation of the dial. Applicant has not claimed and/or provided sufficient proof of such.

Regarding claims 2-10, the applicant argues that "These dependent claims are each separately patentable, but are offered as patentable for at least the same reasons as the underlying independent base claim". For this reason, claims 2-10 continue to be rejected as for the above rejections and/or response.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tsp

  
Vit Miska  
Primary Examiner